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DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DISTRICT

JEANA KUCZMANSKI,

Plaintiff,

v.

EBAY, INC. and DOE DEFENDANTS I
through X,

Defendant.

**MEMORANDUM IN SUPPORT OF
MOTION FOR STAY**

Case No. 2:02CV-1009

The Honorable Dee Benson

Defendant eBay, Inc. ("eBay") submits the following memorandum of points and authorities in support for its motion for a stay of all proceedings in the matter captioned above.

ARGUMENT

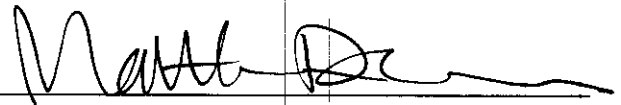
This motion is brought by eBay, an insured of Legion Insurance Co. ("Legion"). Legion is currently in rehabilitation pursuant to an action filed by the Pennsylvania Insurance Commissioner and pending in the Commonwealth Court of Pennsylvania. See Order, Civ. No. 183 M.D. 2002, dated March 28, 2002, a copy of which is attached hereto as Exhibit A. On March 28, 2002, the Pennsylvania court issued an order requiring, among other things, a 90-day stay of "all court actions, arbitrations and mediations currently or hereafter pending" in Pennsylvania or elsewhere against Legion or any of its insureds. Exhibit A at 9. This stay was renewed for an additional 90 days on June 28, 2002. See Order, Civ. No. 183 M.D. 2002, dated June 28, 2002, a copy of which is attached hereto as Exhibit B. On September 28, 2002, the

Pennsylvania court extended the stay to December 1, 2002. See Order, Civ. No. 183 M.D. 2002 dated September 28, 2002, a copy of which is attached hereto as Exhibit C. The September 28, 2002 order stays all proceedings including discovery in any action against Legion or its insureds. See Id.

eBay requests that this court extend full faith and credit to the Orders issued by the Pennsylvania court and issue a stay of any proceedings in the matter captioned above in accordance with the Order dated September 28, 2002.

DATED: October 3, 2002

STOEL RIVES LLP

A handwritten signature in black ink, appearing to read 'Matthew M. Durham', is written over a horizontal line.

Matthew M. Durham
Justin B. Palmer
Attorneys for Defendant eBay, Inc.

CERTIFICATE OF SERVICE

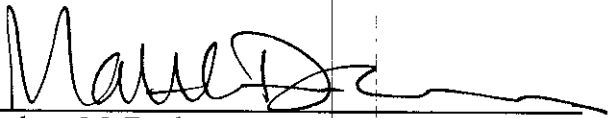
I hereby certify that I served the foregoing **MEMORANDUM IN SUPPORT OF MOTION FOR STAY** on the following named person(s) on the date indicated below by

- ☒ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery

to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said person(s) at their last-known address(es) indicated below.

Derek A. Coulter
Jan Marshall
The Law Office of Derek A. Coulter, P.C.
392 East 12300 South, Suite A
Draper, Utah 84020

DATED: October 3, 2002.


Matthew M. Durham
Justin B. Palmer
Attorneys for eBay, Inc.

Exhibits/
Attachments
to this document
have **not** been
scanned.

Please see the
case file.